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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A. 1597/94.

Dt. of Decision : 4.1.95.

S. Nazeer Ahmed

.. Applicant.

Vs

1. The Supdt. of Railway Mail
Service (RMS), A.G.Division,
Guntakal-515 801, A.P.
2. The Postmaster General,
A.P.Southern Region, Ashoknagar,
Kurnool-5, A.P.
3. The Director General, Dept. of
Posts, Dak Bhavan, Sansad Marg,
New Delhi-110 001.
4. The Supdt. of Post Offices,
Nandyala Division, Kurnool Dist.,
A.P.

.. Respondents.

Counsel for the Applicant : Mr. Krishna Devan

Counsel for the Respondents : Mr. N.R.Devaraj, Sr.CGSC.

CORAM:

THE HON'BLE SHRI JUSTICE V.NEELADRI RAO : VICE CHAIRMAN

THE HON'BLE SHRI R. RANGARAJAN : MEMBER (ADMN.)

Fig

O.A.No.1597/94.

Date: 4.1.95

J U D G M E N T

{ as per Hon'ble Sri R.Rangarajan, Member(Administrative) }

Heard Sri Krishna Devan, learned counsel for the applicant and Sri N.R.Devaraj, learned Standing Counsel for the respondents.

2. In this OA dt. 30.12.1994 filed under sec.19 of the Administrative Tribunals Act, 1985, the applicant who was a Reserved Trained Pool Sorting Assistant/ Short Duty Sorting Assistant in Guntakal Division, prayed for a declaration that he is entitled for grant of productivity Linked Bonus at the rates applicable to the regular Postal Assistants between the period from 20.6.1983 to 7.6.1989 and for a further direction to pay the arrears of bonus to which the applicant is eligible within three months from the date of receipt of this order.

3. The applicant herein joined as R.T.P.S.A. (S.D.S.A.) on 20.6.1983 and served in that capacity till 7.6.1989. He states that he was selected after tough competition and performed the duties quantitatively and qualitatively the same work as that of regular Sorting Assistants whenever he was engaged intermittently against the vacancies of regular Sorting Assistants. By denying him the benefit of Productivity Linked Bonus during the period from 1983 to 1989 when he worked as R.T.P.S.A./ S.D.S.A. allowed by the D.G., Department of Posts by letter dt. 5.10.1988, he has been subjected to hostile discrimination in violation of Articles 14 & 16 of the Constitution. Hence, this OA has been filed with the above prayer.

...3/-

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4. Sri Krishna Devan, learned counsel for the applicant has drawn our attention to a Judgment of the Ernakulam Bench in O.A.No.171/89 dt. 18.6.1990. The applicants therein were also similarly situated as the applicant herein. The said O.A.No.171/89 on the file of Ernakulam Bench was decided based on the decision in O.A.No.612/89 on the file of the same Bench. The ratio in that judgment was that no distinction can be made between an R.T.P. worker and a Casual Labourer in granting productivity linked bonus. It was further held in that OA that R.T.P. candidates like Casual Labourers are entitled to productivity linked bonus if they have put in 240 days of service each year ending 31st March for 3 years or more. It was further held in that OA that amount of Productivity Linked bonus would be based on their average monthly emoluments determined by dividing the total emoluments for each accounting year of eligibility by 12 and subject to other conditions prescribed from time to time.

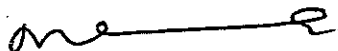
5. Similar order was also passed by this Tribunal in O.A.No.458/94 dt. 28.4.1994 where the applicants were similarly placed to that of the applicants in O.A.171/89. As the applicant herein is in the same situation as applicants in O.A.No.171/89 decided by the Ernakulam Bench and in O.A.No.458/94 of this Bench, we see no reason in not extending the same benefit to the applicant in this OA also.

6. In the result, this OA is allowed with a direction to the respondents to grant the applicant the same benefit as granted by the Ernakulam Bench and this Bench of the Tribunal in the aforestated cases

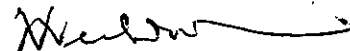
as mentioned in para 5 above

The above direction should be complied within a period of 3 months from the date of communication of this order.

7. The OA is ordered accordingly at the admission stage itself. No costs./



(R. Rangarajan)
Member (Admn.)



(V. Neeladri Rao)
Vice Chairman

Dated 4th January, 1995.

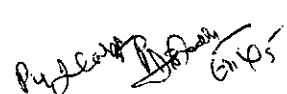

Deputy Registrar (J) CC

Grh.

To

1. The Superintendent of Railway Mail Service (RMS)
A.G. Division, Guntakal-801 A.P.
2. The Postmaster General, A.P. Southern Region,
Ashoknagar, Kurnool-5. A.P.
3. The Director General, Dept. of Posts,
Dak Bhavan, Sansad Marg, New Delhi-1.
4. One copy to Mr. Supdt. of Post Offices,
Nandyala Division, Kurnool Dist. A.P.
5. One copy to Mr. Krishna Devan, Advocate, CAT. Hyd.
6. One copy to Mr. N.R. Devraj, Sr. CGSC. CAT. Hyd.
7. One copy to Library, CAT. Hyd.
8. One spare copy.

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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE V. NEELADRI RAO
VICE-CHAIRMAN

AND

THE HON'BLE MR. R. RANGARAJAN : M(ADM)

DATED: 6/1-1995

ORDER/JUDGMENT:

M.A./R.A/C.A.No.

in

O.A.No.

1597/94

T.A.No.

(w.p.)

Admitted and Interim directions
issued.

Allowed.

Disposed of with directions.

Dismissed.

Dismissed as withdrawn

Dismissed for default.

Ordered/Rejected

No order as to costs.

pvm

Central Administrative Tribunal
DESPATCH
12 JAN 1995
HYDERABAD BE